

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

SECURITIES AND EXCHANGE
COMMISSION,

Plaintiff,

-v-

AMERINDO INVESTMENT ADVISORS
INC., *et al.*,

Defendants.

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No. 05 Civ. 5231 (RJS)
ORDER

RICHARD J. SULLIVAN, District Judge:

By Order dated June 18, 2012, the Court set a briefing schedule for the parties' proposed motions to dismiss and for summary judgment, which directed that those motions should be filed by July 27, 2012. The Court is now in receipt of the following submissions: (1) a letter from Defendant Gary Tanaka, dated July 24, 2012, requesting an extension of the deadline to file his contemplated motion until September 18, 2012, due to counsel's difficulty in communicating with her client and other technological issues and Defendant's desire to wait until after the oral argument of his criminal appeal in the United States Court of Appeals for the Second Circuit, and also requesting that the Court direct the Bureau of Prisons to arrange a conference call between Mr. Tanaka, his counsel, and Defendant Alberto Vilar; (2) a letter from Plaintiff, dated July 24, 2012, consenting to a one-week extension of the briefing schedule; and (3) a reply from Mr. Tanaka, dated July 24, 2012, further setting forth the grounds for his request and stating that he will not be "able to complete [his] Motion to Dismiss by August 3."

As stated in the Court's June 18, 2012 Order, the Court sees no reason to further delay these proceedings pending Defendants' criminal appeals, and sees particularly little value in

delaying the motion schedule until the oral argument regarding Defendants' appeals, since there is no indication that the Court of Appeals will issue its ruling immediately after argument. However, the Court will grant a brief extension of the briefing schedule in light of Tanaka's stated difficulties in preparing this motion. Accordingly, IT IS HEREBY ORDERED THAT the parties shall file their contemplated motions no later than August 10, 2012. The parties' responses shall be filed no later August 31, 2012. The parties' replies shall be filed no later than September 28, 2012. The oral argument regarding the parties' motions shall take place as scheduled on October 19, 2012, at 2:30 p.m.

IT IS FURTHER ORDERED THAT the Wardens of FCI Fort Dix and FCI Terminal Island shall make Alberto William Vilar and Gary Alan Tanaka, respectively, available for a telephone conference call with their attorney, Vivian Shevitz.

SO ORDERED.

Dated: July 25, 2012
New York, New York



RICHARD J. SULLIVAN
UNITED STATES DISTRICT JUDGE